

## **COMMITTEE ON LANDS AND BUILDINGS**

**March 3, 2003**

**Aldermen Thibault, Gatsas,  
Pinard, DeVries, Garrity**

**6:15 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Gatsas, Pinard, DeVries, Garrity

Chairman Thibault addressed Item 3 on the agenda:

Communication from Edib and Miryana Karic requesting to purchase a parcel of land located at 243 East High Street (Map 0410/Lot 0007).

Chairman Thibault asked the Committee what is their pleasure.

Alderman Gatsas moved this item for discussion. Alderman Pinard duly seconded the motion.

Chairman asked if there was anyone here to talk on this. Steve Tellier stated that the Committee has a memorandum in front of you from his colleague Tom Nichols on 243 East High Street. It is less than 5000 square feet. It's a non-conforming lot in a very condensed section of the City. My understanding from the letter that you were presented, is from the person that wants to buy it, would like to plot this with their non-conforming lot to make a conforming lot to build. That's my understanding. So the abutter is the person wishing to purchase this from the City.

In response to questions, Mr. Tellier stated that there was a fire there some years ago and due to non-conformance, they could not build. So they're looking for this additional land to conform to zoning requirements so that they can build a home on the site and bring it back on the tax rolls and bring it into a higher level of productivity. Mr. Tellier noted he had a map for the committee to view. Mr. Tellier advised that the Assessors had placed a value of \$6,000 on the site.

In response to question by Alderman Gatsas, Mr. Teller answered that by itself that's about what it would fetch. We have a number of sales we've been tracking on residual land sites, small plots of land that do not conform to zoning requirements for building, and they range anywhere from sales values anywhere from \$5,000 to about \$10,000.

Alderman Gatsas asked what would the lot be worth combined with the other one as an R3 lot. Mr. Teller answered that then we would reassess it. Once the plottage occurs, then it would probably be assessed in the \$40,000 range.

Alderman Garrity asked if it is the purchasers intent just to keep it as one lot and not subdivide it. I know that it doesn't need...it's unbuildable...but that doesn't mean anything currently. The ZBA... Mr. Teller answered that this was his understanding from communicating with the individual who has asked the City to purchase that parcel.

Alderman Garrity asked if we approve this could we put a stipulation in that it cannot be subdivided. I know that the Zoning Board of Adjustment has approved many lots in my ward that are unbuildable, into buildable lots and now we have houses on top of houses, on top of houses.

Chairman Thibault stated that he has not problem with Alderman Garrity putting that restriction if Alderman Garrity wants to make a motion.

Alderman Garrity noted that any action the committee took should contain the condition that there be no subdivision. Other members so concurred.

Alderman Gatsas stated that the restriction that he believes should be, if not having it being able to be subdivided is fine, if we're looking to make an accommodation for the abutter so that they can build a property, that's fine, I don't want to make the accommodation to the abutter to sell it to them, then they turn around and sell it for \$40,000.

Mr. Teller approached with the map and described what the requester wanted to do. Utilizing the map, Mr. Tellier approached the committee members and showed them on the map what it was the requestor was attempting to do. Alderman Gatsas questioned if the city would have to offer the property to all abutters, and whether the city could accept more than the \$6,000 for the property if someone wanted to pay more.

Brief discussion ensued where Mr. Tellier advised no matter what, the land analysis that he did was looking at residual lots, that being lots that were non-conforming and were in appurtenance to other lots. Mr. Tellier stated it is my understanding that this in fact is a non-buildable lot and is non-conforming. So the value of approximately \$6,000 is not inappropriate and is in an acceptable range. Now regarding the other property, this is a very dense area, we're responding to the letter of interest that you have before you.

Deputy City Clerk Johnson stated that she wanted to point out in case the Committee missed it, there is a recommendation in there also from the Planning Department, and they talk about the manner of disposition, and also in there they are talking about offering

to this party rather than to the other abutters. The determination of how you dispose of this property is certainly up to the Board, ultimately, but normally you get a Planning recommendation and you get your price. Now you decide....if somebody came in and offered you more you may or may not want it, it's the just cause that you determining not to put it out for a bid and to sell it to an abutter in the first place. You have to have a reason for doing that, which I believe was outlined in the communication from Planning.

Alderman Garrity asked the purchase price is \$6,000. I know that non-buildable lots down in the south end of Manchester are selling for \$45,000, and those are non-buildable lots.

Mr. Tellier stated that those are buildable lots. If they've spent that much money, it's because they've either been granted a variance or....Alderman Garrity said with a variance, yes. With a variance they are selling for \$45,000. Mr. Tellier stated that a buildable lot in the City, minimum at this point, is probably \$40,000 to \$45,000 and they're exceeding that at significant rates. What we are talking about here is a lot that's less than 5000 square feet that is unbuildable; in it's present state. It's non-conforming and is not...likely won't be granted anything. But once you plot it with the other lot, it will put it back on the City's tax rolls, it will increase the market value, you reduce the City's liability, because we're not carrying that additional piece of property any longer.

Alderman Garrity asked the minimum square footage for a buildable lot is what, \$7,500. Mr. Tellier answered that it ranges from zone to zone. That's probably the minimum at this point. Alderman Garrity stated that I've seen lots, unbuildable lots, in Ward 9 at \$5200, \$5300, with a variance, however \$45,000. Mr. Tellier stated that those are on a lot...case by...my understanding, and I think you should get the explanation from the Building Commissioner, my understanding is that those are grand-fathered lots in a stand-alone situation that precede the 1965 Zoning Ordinance changes. In response to further questions from Alderman Garrity surrounding the issue of building on the lot(s) Mr. Tellier advised he could not state to that, it was not his jurisdiction to determine.

Alderman Gatsas commented that he noticed the requestor was offering \$8,358 for it. They are offering a higher amount that what you are saying it's worth. Mr. Tellier stated I would accept their offer. Again, Alderman, just in response to that, they have...they're a motivated buyer, as you know in real estate, they're a motivated buyer because they own the abutting lot, so to them, it has a higher market value than just about to anybody else. So, they're motivated and if it's the will of this Committee to accept their offer, certainly that would be appropriate.

Alderman Garrity asked not this lot but the lot next to it, that they want to combine with, is there a structure on that lot. Mr. Tellier answered no; there was a fire some years back. Alderman Garrity asked with both lots combined, what is the estimated value.

Mr. Tellier answered the lot itself, once you combine those two, would approximately be \$45,000, land alone, and that would not include the structure that they would place on it.

Chairman Thibault asked Mr. Tellier what condition the building is in that is there now. Mr. Tellier answered it is gone, there's nothing there. Actually this lot itself, the topography is depressed, it actually goes downhill. They may require some fill or some creative construction techniques, but it's perfectly suited for some development. And it may be desirable as well, because there's a lot of dense apartments in the area, so were they to either put a two family or something even smaller, that may benefit the area

On a motion of Alderman Pinard, duly seconded by Alderman Gatsas, to accept the offer \$8,358 with the condition that the lots be consolidated.

Chairman Thibault addressed Item 4 of the agenda:

Communication from Monsignor Anthony Frontiero, pastor of St. Pius X Roman Catholic Church requesting to purchase a parcel of land on Page Street (Map 477, Lot 4).

Chairman Thibault asked is that the land we went to see last year sometime. Alderman Pinard said we went up there a couple of years ago to look at that and there was some kind of...Chairman Thibault stated we have somebody from Planning here, why don't we listen to...

Deputy City Clerk Johnson stated the Planning recommendation in this instance is that it be put out for bid to all of the abutters.

General discussion regarding the request followed. Alderman DeVries stated I notice it shows discontinuance, a formal discontinuance in 1977. Doesn't that mean that this lot would also have to the centerline of that road. Mr. Beauchesne was not clear on an answer as to how the land would then be handled. Alderman DeVries asked don't we need to clarify that with legal, so we know what we are putting out to bid, potentially. Chairman Thibault asked wouldn't it be maybe with Highway to clarify that. Alderman DeVries noted she felt it important in knowing what they would be selling and whether the discontinuance played a role in what the property to be sold was. Chairman Thibault asked Steve Tellier might be able to tell us what "discontinuance pursuant to the Assessors map" means, what does that mean legally, or for us. Alderman DeVries noted the question was does that lot actually go to the centerline of the road. It was formally discontinued. Mr. Tellier stated I'm assuming that this came off the Assessor's maps. There were a number of notes that you'll find on the map, petition to discontinue and

then September 1979 we would have to find that petition, to find out where exactly we're at on that. I'm not prepared to answer that right now.

Alderman DeVries asked can I ask the City Clerk if they have a follow-up to that.

Deputy City Clerk Johnson stated when you have a discontinuance of the street, although the streets under statute basically then revert back to the abutting properties, you don't have a clear title to that unless you go through the quiet title process in Superior Court. And we obviously as a City have not done that with that particular parcel. So if we put it out to bid we would put it out to bid with the parcel itself, and if they wanted to proceed to go through anything else, they certainly could do that.

Discussion ensued where Alderman Pinard noted concerns with the property, whether it abutted the parking lot, and the exact location, and noted he wished to have the request tabled until he could go out and view the property.

On a motion of Alderman Pinard, duly seconded by Alderman Gatsas it was voted to table this item.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Leo R. Bernier requesting authorization for the placement of an 8' x 10' portable storage shed on City-owned property (Tax Map 0415, Lot 0001), which abuts his property on River Road.

On a motion of Alderman DeVries, duly seconded by Alderman Pinard it was voted to discuss this item.

Alderman DeVries stated I guess I would have a couple of questions. First off from legal, I'm just wondering what the precedent would be, because has action had been taken previously to allow this on City land. Chairman Thibault answered yes that he believes it has in some places, that has never been questioned. There are some in my area.

Tom Arnold answered that if the Board chose to do so they could grant that request. Alderman DeVries asked is there previous precedent where this has happened. Mr. Arnold answered not that I am personally aware of can recall. That's not to say that there isn't.

Alderman DeVries asked the 8' X 10" portable storage shed, is that a structure that you'll be putting up per permit for the 180-day status. Leo R. Bernier stated I have no

knowledge of the 180-day status. That shed will abut my property as well as the City's. It is going to be like 30 feet on City property. That's just to put the lawnmower and various other things. The shed would be the one's that you purchase at Home Depot. Alderman DeVries asked the canvas structures. Mr. Bernier answered no a wooden structure. Alderman DeVries asked what makes it portable, the fact that it's not on a permanent...Mr. Bernier answered right, it will be on blocks. It is a temporary shed, which can be removed at any time. Alderman DeVries asked and you've had conversations with the Building Department and that falls within their classification for a portable structure. Mr. Bernier said I just went to Home Depot. I also know I've got to get a building permit. Just one of those 8' X10' sheds with wooden doors you see in the flyers. Chairman Thibault said it can be moved at any time. Mr. Bernier stated yes, and all I am asking is permission, if the City wants me to remove it there would be no problem.

Alderman DeVries asked the only thing I would formally like to hear, to have you have that discussion with the Building Department before, to know if...Mr. Bernier stated there are some easements, I want to make sure everybody understands, so I would probably need to get permission from the Highway Department before I can even put a shed up there on that piece of property. Alderman DeVries asked if Mr. Bernier knows what the easements are there for. For sewer easements? Mr. Bernier answered for sewerage easements, that's correct.

Alderman Pinard moved to grant the request of a utility shed to Mr. Bernier. Chairman Thibault asked Mr. Bernier to get these things done and then come back to the Committee. Mr. Bernier stated all I want is to put a temporary shed on City-owned property, which would probably be about 30 feet away from my line. Home Depot would put it in, place it on cinder blocks. Alderman DeVries stated to Mr. Bernier the reference I made to the 180-days, I know for the canvas portable sheds that they put up, they have to meet certain wind load requirements and they only issue a permit for 180 days. I just wanted to make sure that you don't fall into that qualification as well. That you don't have to take it down and put it up every 180 days in order to get a building permit, so you might want to have that conversation with them.

Mr. Bernier asked that you are requesting me to go to the Building Department and get a permit first. Chairman Thibault asked Mr. Bernier to check with Highway also. Alderman DeVries stated I was looking for feedback strictly from them, just to make sure that you will be able to get a permit, and you need all of their....to make sure.

On a motion of Alderman Pinard, duly seconded by Alderman DeVries it was voted to table this item.

Deputy City Clerk Johnson stated I think that if I'm understanding the discussion here, and I could be wrong, that's why I want to clarify it. You want him to come back with some sort of an agreement from Highway and then discussions with Building as well.

Mr. Arnold stated what I wanted to say given a moment to think about it, it occurred to me that we do have a similar precedent recently, the Board last year granted permission for a business to put up a fence on City property. So it's not a building structure, but a fence and the action there was to grant a revocable license.

Communication from Anthony Marts re: request for granting of easements on Bridge and Kidder Streets.

Deputy City Clerk Johnson stated this item was removed from the agenda. The item was already approved by the Board and had been placed on the agenda through oversight.

### **TABLED ITEMS**

Chairman Thibault asked if anyone wanted to take anything from the table.

Deputy City Clerk Johnson stated she believes we have reports from Item 9.

9. Communication from Katia Lapointe inquiring about possible disposition of City property located on Hartt Avenue (Tax Map 484 Lot 29) near her property at 72 Peabody Ave.  
(Tabled 5/22/2002 pending further review by Tax Collector & City Solicitor.)

On a motion by Alderman Pinard, duly seconded by Alderman DeVries it was voted to remove this item from the table.

Deputy City Clerk Johnson stated this item originally was tabled pending further review by the Tax Collector and the City Solicitor. The reason for that is because we didn't have a clear title follow-up. They have since resolved that issue as I understand it, and now the property could be disposed of.

Alderman DeVries noted that part of the card appeared to be cut off on her copy and asked what the valuation of the property was.

Mr. Tellier asked we're talking about Map 484 Lot 29. Mr. Tellier approached the committee with maps for review of the area and explained the request. He noted the value had been set at \$2,500. The Planning report reflected a recommendation to find the property surplus and sell it to the Lapointe's.

On a motion by Alderman Pinard, duly seconded by Alderman Gatsas voted to recommend the property be found surplus and sell it to the abutter, Katia Lapointe, for a price of not less than \$2,500.

There being no further business to come before the Committee, on a motion of Alderman Gatsas, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee